C.M.No.177-CII of 2007 in
C.O.C.P.No.1418 of 1999 (O&M)

Ram Prakash vs. **Ms.Vineeta Rai**

Present:- Mr.Arun Jain, Advocate for the applicants.

Mr.Vikas Bali, Advocate &
Mr.R.P.Bali, Advocate for the petitioners.

Mr.Anupam Gupta, Sr. Standing Counsel with
Mr.Sumit Jain, Advocate for U.T.Chandigarh.

Ms.Deepali Puri, Advocate for the M.C., Chandigarh.

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C.M.No.177-CII of 2007

The prayer in this application is for impleadment of the applicants as party respondents.

For the reasons mentioned in the application, though the applicants may not be necessary or proper parties, required to be impleaded in these contempt proceedings, however, in the light of nature of controversy involved, it appears desirable to hear them as well. Accordingly, they are permitted to intervene.

C.M.stands disposed of.

C.O.C.P.No.1418 of 1999

Learned counsel for the parties have been heard.

The primary issue in these contempt proceedings pertains to compliance of the directions issued by this Court to stop misuse of the backside portion of certain shops located in Sector 21-C, Chandigarh, which according to the petitioners had become constant source of causing nuisance, pollution and disturbance in the peaceful enjoyment of their nearby residential houses. To be precise, it is alleged that the backside of Bay Shops No.1 to 6 was being misused by the allottees/tenants by carrying out the business of scooter repairs etc., in total violation of the zoning plan

and their allotment letters. According to the petitioners, the authorities of the Chandigarh Administration, though have been intermittently stopping the misuse, however, the allottees/tenants everytime again start misusing the backside of their shops by making unauthorized openings.

In order to find out a workable solution to the problem and to ensure that no nuisance is caused to the residents of the adjoining houses and upon a fair suggestion given by learned Senior Standing Counsel for Union Territory, Chandigarh, it was directed that the entire backside of the Bay Shops No.1 to 6 of Sector 21-C, Chandigarh be sealed/permanently closed so that the possibility of future misuse is ruled out.

Learned counsel for the interveners, however, vehemently contends that the aforementioned shops were allotted to them way-back in the year 1968 (Annexure R-1) for the specific purpose of "Trade-Scooter Repairs" and, therefore, they are entitled to use the same for the said purpose.

Learned Sr. Standing Counsel for U.T. Chandigarh, on the other hand, points out and rightly so that the allottees/tenants are not being stopped from using the shops including the front portion for the purpose for which the same were allotted. However, they are not entitled to make unauthorized openings in back side and/or to use/misuse the backside of their shops. On instructions, he further informs that in deference to the order dated December 19, 2006, passed by this Court, the backside of these shops has now been sealed/permanently closed and, thus, there is no likelihood of their further misuse by the allottees/tenants.

After hearing learned counsel for the parties and having regard to the fact that the respondent-authorities have taken the necessary steps in

terms of the order dated December 19, 2006 passed by this Court and also keeping in view the fact that the backside of Bay Shops No.1 to 6 of Sector 21-C, Chandigarh, has now been sealed/permanently closed and as of now, there appears to be no possibility of causing of any nuisance etc. to residents of the area by the occupiers of these shops, I am of the considered view that no further action is called for in these contempt proceedings.

Consequently, this petition is disposed of.

Rule discharged.

January 15, 2007 **(SURYA KANT)**
poonam **JUDGE**